

Kelly M. Dermody (SBN 171716)
Jahan C. Sagafi (SBN 224887)
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
E-Mail: kdermody@lchb.com
E-Mail: jsagafi@lchb.com

James M. Finberg (SBN 114850)
Peter E. Leckman (SBN 235721)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
E-Mail: jfinberg@altber.com
E-Mail: pleckman@altber.com

Attorneys for Plaintiff and the proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION

AHMED HIGAZI, on behalf of himself
and a class of those similarly situated,

Plaintiff,

v.

CADENCE DESIGN SYSTEMS, INC.,

Defendant.

Case No. C-07-2813 JW

**DECLARATION OF JAHAN C. SAGAFI
IN SUPPORT OF JOINT MOTION FOR
ORDER (1) CONDITIONALLY
CERTIFYING SETTLEMENT CLASS
AND COLLECTIVE ACTION, (2)
GRANTING PRELIMINARY APPROVAL
TO PROPOSED CLASS ACTION
SETTLEMENT AND PLAN OF
ALLOCATION, (3) DIRECTING
DISSEMINATION OF NOTICE, AND
CLAIM FORM TO THE CLASS; AND (4)
SETTING DATE FOR FAIRNESS
HEARING AND RELATED DATES**

Date: March 10, 2008
Time: 10:00 a.m.
Crtrm: 8
Judge: Honorable James Ware

1 I, Jahan C. Sagafi, declare:

2 1. I am a partner in Lieff, Cabraser, Heimann & Bernstein, LLP (“LCHB”),
3 attorneys for the plaintiffs in the above-captioned class action. I make these statements based on
4 personal knowledge and would so testify if called as a witness.

5 2. I am a member in good standing of the bars of the State of California and
6 the Northern District of California.

7 3. This Declaration is submitted in support of the joint Notice of Motion and
8 Motion For Order: (1) Conditionally Certifying Settlement Class and Collective Action, (2)
9 Granting Preliminary Approval to Proposed Class Action Settlement and Plan of Allocation, (3)
10 Directing Dissemination of Notice, and Claim Form to the Class; and (4) Setting Date for
11 Fairness Hearing and Related Dates.

12 4. Attached hereto as Exhibit A is a true and correct copy of LCHB’s firm
13 resume.

14 **Background And Experience**

15 5. I graduated magna cum laude from Harvard College in 1994, where I
16 concentrated in Social Studies. I graduated from Harvard Law School in 2001, and have
17 specialized in class actions and other complex civil litigation, principally employment, consumer,
18 and mass tort matters.

19 6. For the first year after I graduated from law school, I clerked for the
20 Honorable William W Schwarzer, Senior Judge of the United States District Court for the
21 Northern District of California.

22 7. Since 2002, I have practiced with Lieff, Cabraser, Heimann & Bernstein,
23 LLP, where I became a partner in January 2008. My practice consists primarily of representing
24 class members in employment litigation (including wage and hour, employment discrimination,
25 and other employment-related disputes) as well as consumer and mass tort litigation.

26 8. I (with other attorneys from my firm and co-counsel) served as plaintiffs’
27 counsel in *Gonzalez v. Abercrombie & Fitch Stores, Inc.*, Case No. 03-2817 SI (N.D. Cal.), a
28 nationwide race, color, and gender discrimination class action that resulted in a \$50 million

1 settlement on behalf of minority and female applicants and employees, with comprehensive
2 injunctive relief in the areas of hiring, job assignment, and compensation at stores nationwide.

3 9. I was co-lead counsel in *Senior v. Adecco USA, Inc. d/b/a Adecco, Inc.*
4 (San Francisco County Super. Ct. 2005); and *Hyatt v. Adecco USA, Inc. d/b/a Adecco, Inc.*
5 (Alameda County Super. Ct. 2005), two related class actions challenging a temporary
6 employment agency's failure to pay both its regular staff and its temporary staff earned vacation
7 wages. The cases together resulted in settlements of over \$3.8 million.

8 10. In 2004 and 2005, I participated in the damages phase trial of the class
9 action *In re Farmers Ins. Group Claims Reps. Overtime Litigation*, MDL Docket No. 1439 (D.
10 Or.), on behalf of the plaintiff class. Judgments totaling approximately \$52.5 million were
11 entered for plaintiffs in 2005. The Ninth Circuit has affirmed in part, reversed in part, and
12 remanded the case to the District Court. *In re Farmers Ins. Group Claims Reps. Overtime*
13 *Litigation*, 481 F.3d 1119 (9th Cir. 2007).

14 11. I served as plaintiffs' counsel for a class of technical support workers in
15 *Giannetto v. Computer Sciences Corporation*, 03-CV-8201 GPS (C.D. Cal.). In that case, a class
16 of workers classified as exempt asserted misclassification claims and sought compensation for
17 overtime worked under the FLSA and overtime laws of 13 states. On July 15, 2005, the court
18 granted final approval of a settlement of \$24,000,000.

19 12. I served as plaintiffs' counsel in *Gerlach v. Wells Fargo & Co.*, Case No.
20 CV 05-0585 CW (N.D. Cal), a case involving claims on behalf of a class of technical support
21 workers who were misclassified as exempt from the payment of overtime compensation under the
22 FLSA and the wage and hour laws of California. On January 19, 2007, the court granted final
23 approval of a settlement of \$12,800,000.

24 13. I served as plaintiffs' counsel in *Rosenburg v. International Business*
25 *Machines Corporation*, Case No. CV 06-00430 PJH (N.D. Cal), a case involving claims on
26 behalf of a class of technical support workers who were misclassified as exempt from the
27 payment of overtime compensation under the FLSA and the wage and hour laws of California,
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1 Colorado, Illinois, Minnesota, New Jersey, and New York. On July 11, 2007, the court granted
2 final approval of a settlement of \$65,000,000.

3 14. I serve as plaintiffs' counsel in *Wynne v. McCormick & Schmick's Seafood*
4 *Restaurants, Inc.*, Case No. C-06-3153 CW (N.D. Cal.), a race discrimination class action on
5 behalf of a national class of African Americans alleging discrimination in hiring, initial job
6 assignment, compensation and promotions.

7 15. I have also successfully litigated a wide variety of complex federal and
8 state civil matters during my professional career, including several consumer class actions. Class
9 action cases I have successfully prosecuted to judgment or settlement, in addition to the
10 foregoing, include: *Strugano v. Nextel Communications, Inc.*, No. BC 288359 (Los Angeles
11 Super. Ct.) (class action on behalf of consumers for unlawful fees and billing; settlement of
12 \$13.5-\$55.5 million in benefits); *Thompson v. WFS Financial, Inc.*, No. 3-02-0570 (M.D. Tenn.);
13 *Pakeman v. American Honda Finance Corporation*, No. 3-02-0490 (M.D. Tenn.); *Herra v.*
14 *Toyota Motor Credit Corporation*, No. CGC 03-419 230 (San Francisco Super. Ct.) (all three of
15 which were race discrimination class action settlements) (which, collectively, resulted in
16 settlements with benefits including some or all of the following: cash or credit payments of up to
17 \$400 per class member; broad refinancing programs reducing rates charged to existing African-
18 American and Latino customers whose finance charge markups were 1% or more; new credit
19 offers with finance charge markups of 0% to 1.5 million African American and Latino
20 consumers; limits on finance charge markups on new loans of 1.75% to 2.50%; new disclosures
21 on all contracts explaining that the interest rate may be negotiable; cy pres donations of \$1.9
22 million).

23 16. In addition to being an active litigator, I have long been involved in many
24 educational and legal groups, including the State Bar of California (Litigation Section Executive
25 Committee); the National Employment Lawyer's Association; the American Association for
26 Justice (formerly the Association of Trial Lawyers of America); the Consumer Attorneys of
27 California; the American Bar Association; the Bar Association of San Francisco; the American
28

1 Constitution Society (San Francisco Bay Area Chapter Executive Committee); and the American
2 Civil Liberties Union of Northern California (Board Member).

3 17. In addition to my own experience as a class-action litigator in employment
4 disputes, my partner Kelly M. Dermody also has extensive experience in class action litigation.

5 a. Ms. Dermody graduated from Harvard College in 1990 and from
6 the University of California at Berkeley (Boalt Hall) in 1993.

7 b. She chairs the firm's employment group and has extensive
8 experience litigating plaintiff-side employment matters, including overtime wage and hour class
9 actions.

10 c. She has represented employees in the following class actions:
11 *Butler v. Home Depot*, Civ. No. C94-4335 SI (N.D. Cal.) (gender discrimination; common fund
12 settlement of \$87.5 million); *Gonzalez v. Abercrombie* (see above); *Buttram v. United Parcel*
13 *Service*, Civ. No. C97-01590-MJJ (N.D. Cal.) (race discrimination; common fund settlement of
14 \$12.14 million); *Lyon v. TMP Worldwide*, Case No. 993096 (San Francisco County Super. Ct.)
15 (overtime misclassification; \$1.25 million settlement); *Trotter v. Perdue Farms, Inc.*, Case No.
16 99-893 (RRM) (D. Del.) (off-the-clock; \$10 million settlement); *Foster v. Great Atlantic and*
17 *Pacific Tea Co., Inc. d/b/a A&P*, Case No. 99 CV 3860 (CM) (S.D.N.Y.) (off-the-clock; \$3.05
18 million settlement); *Senior v. Adecco* and *Hyatt v. Adecco* (see above); *LaMarca v. Great Atlantic*
19 *and Pacific Tea Company, Inc. d/b/a A&P*, Case No. 04601973 (Cahn) (County of New York
20 Supreme Court) (off-the-clock; ongoing); *Amochaev v. Citigroup Global Markets, Inc., d/b/a*
21 *Smith Barney*, Case No. C-05-1298 PJH (N.D. Cal.) (gender discrimination; ongoing); *Jaffe v.*
22 *Morgan Stanley DW, Inc., d/b/a Smith Barney*, Case No. C-06-3903 EDL (N.D. Cal.) (gender
23 discrimination; ongoing); *Holloway v. Best Buy Co., Inc.*, Case No. C-05-5056 PJH (N.D. Cal.)
24 (race and gender discrimination; ongoing); *Wynne v. McCormick & Schmick's* (see above).

25 d. Ms. Dermody has written and spoken extensively on employment
26 and other matters in the context of class action litigation.

27 e. She has received numerous awards and honors. She has been
28 named: a California Lawyer Attorney of the Year (CLAY) by *California Lawyer* in 2007; one of

California's "Top Women Litigators" by the *Daily Journal* in 2007; one of the *Daily Journal*'s "Top 20 Lawyers Under Age 40" in 2006; a Northern California Super Lawyer (2004, 2005, 2006, 2007); the Lawyers' Committee for Civil Rights "Living the Dream Partner" (2005). She has also served as a member of various legal organizations, including as a Lawyer Representative for the Northern District of California to the Ninth Circuit Judicial Conference (2007-present); Vice Chair of the ABA Labor and Employment Law Section Annual Conference (2007-present); Co-Chair of the ABA Committee on Equal Opportunity in the Legal Profession (2006-2007); Co-Chair of the ABA Labor and Employment Law Section Equal Employment Opportunity Committee (2003-present; Midwinter Meeting Planning Committee, 2000-2006); Member of ABA Labor and Employment Law Section Katrina Task Force (2005-2007); Director of the Board of the Bar Association of San Francisco (2005-present; Litigation Section, Executive Committee, 2002-2005); Director of the Board of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (1998-2005; Secretary, 1999-2003; Co-Chair, 2003-2005); Director of the Board of the National Center for Lesbian Rights (2002-present; Board Co-Chair, 2005-2006); Director of the Board of the Pride Law Fund (1995-2002; Secretary, 1995-1997; Chairperson, 1997-2002); and Member of the Litigation Committee of Equal Rights Advocates (2000-2002).

Fair, Reasonable, And Adequate Settlement

18. In my view, the settlement constitutes a fair, reasonable, and adequate result for the class members in light of the risks, expenses, and delay of further litigation, as well as the strengths and weaknesses of the class members' claims. The plan of allocation provides an appropriate weighting to each class members' claim based on the strengths of his or her claim on the merits. I base these opinions on the extensive discovery we have performed (as summarized in the accompanying Declaration of James M. Finberg In Support Of Joint Motion For Order (1) Conditionally Certifying Settlement Class And Collective Action, (2) Granting Preliminary Approval To Proposed Class Action Settlement And Plan Of Allocation, (3) Directing Dissemination Of Notice, And Claim Form To The Class; And (4) Setting Date For Fairness Hearing And Related Dates) and my experience prosecuting other large wage and hour class actions.

1 I declare, under penalty of perjury, under the laws of the State of California that the
2 foregoing is true and correct. Executed this 27th day of February, 2008 at San Francisco,
3 California.

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6 JAHAN C. SAGAFI
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